

1 UNITED STATES BANKRUPTCY COURT

2 EASTERN PENNSYLVANIA

3 Case No. 01-01139

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5 In the Matter of:

6

7 W.R. GRACE & CO., et al.,

8

9 Debtors.

10 - - - - - x

11

12 United States Bankruptcy Court

13 Robert N.C. Nix Sr. Federal Courthouse

14 900 Market Street

15 Philadelphia, PA 19107

16

17 September 17, 2020

18 2:00 PM

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21 B E F O R E :

22 HON ASHELY M. CHAN

23 U.S. BANKRUPTCY JUDGE

24

25 ECRO - JOAN RANIERI

1 HEARING re Status Conference

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25 Transcribed by: Sonya Ledanski Hyde

1 A P P E A R A N C E S :

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17 ALSO APPEARING TELEPHONICALLY:

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1 P R O C E E D I N G S

2 CLERK: Hi, Judge. Everybody's on the line for  
3 W.R. Grace & Co.

4 THE COURT: Okay. The purpose of this call is  
5 just to make sure that we're all the same page about  
6 deadlines in the case.

7 It's my understanding that when the motion for  
8 summary judgment was filed and the defendant filed a  
9 response. When I read the response, I believe he said that  
10 he didn't have sufficient time to respond, so I just wanted  
11 to make sure that the defendant had enough time to file a  
12 complete response to the motion for summary judgment, so if  
13 we could just try and pick a date for that now, and also to  
14 set a hearing date, that would be good.

15 So defendant, have you -- is there additional time  
16 that you need to file your supplemental response to the  
17 motion for summary judgment?

18 MR. SMOLKER: Yes, there is, Your Honor.

19 THE COURT: I'm sorry. So how much more time  
20 would you like to respond to that?

21 MR. SMOLKER: Well, I would prefer to have 120  
22 days, but I'd be satisfied with 90 days; 90 days would be  
23 December 16th, 2020, 120 days would be January 15th, 2021.

24 THE COURT: So, sir, I never schedule deadlines  
25 and hearings out that far unless there, you know, there's a

1 real need for it. Can you tell me why you need so much time  
2 to respond to the motion for summary judgment? I mean,  
3 typically, you'd get a couple of weeks, and I was willing to  
4 give you a month and that, you know, obviously some time has  
5 passed since that was even filed.

6 So why do you feel that you need all this extra  
7 time?

8 MR. SMOLKER: Well, it's 755 pages long, and there  
9 are very strong arguments for not granting the summary  
10 judgment motion, and I would like to be able to present my  
11 arguments in the best possible way; that would be clear 120  
12 days, but I could present all my arguments in 90 days.

13 I don't want to talk about the merits of my  
14 opposition.

15 THE COURT: No, I don't want you to either. I  
16 don't want you to either. I just want to try and  
17 understand, you know --

18 MR. SMOLKER: And also, I'm on a medical  
19 disability. I have a breathing problem and I'm consulting a  
20 pulmonologist and I'm in the middle of taking various tests  
21 and to go to a cardiologist and take more tests. I have  
22 injured lungs and difficulty breathing, so I'm somewhat  
23 disabled in my stamina and ability to focus and concentrate.

24 THE COURT: Okay. Well, let me hear from the  
25 other side. Jamie, did you have a response to this request?

1 MR. O'NEILL: Yes, Your Honor, and thank you very  
2 much for hearing us today. For the record, this is James  
3 O'Neill appearing on behalf of W.R. Grace, and with me on  
4 the phone today is my co-counsel, Roger Higgins, and Mr.  
5 Higgins will provide the response.

6 As Your Honor noted, we did have a colloquy with  
7 Mr. Smokler, and we were unable to arrive at an agreed upon  
8 date. But perhaps I'll turn it over to Mr. Higgins and he  
9 can provide you a little more background and provide the  
10 response as well.

11 THE COURT: Okay, thank you.

12 MR. HIGGINS: Good afternoon, Your Honor. Roger  
13 Higgins for W.R. Grace.

14 (sound glitch) we had engaged in sensitive back  
15 and forth email with Mr. Smokler. We had proposed August  
16 31st, and then as the days went by, we then proposed  
17 September 14th to give him roughly a month extra.

18 Mr. Smokler told us back at the end of August -- I  
19 think it was August 27th -- that he wanted a response  
20 deadline of, I believe it was November 5th, Your Honor.  
21 We'd be -- I think we'd be happy to take that date, although  
22 we would, quite frankly, like to see a response deadline  
23 sooner so that we can move this whole proceeding forward a  
24 little bit faster.

25 But now we're hearing from Mr. Smokler that he

1 wants something in December or January, and I think that  
2 what we would be happy with, Your Honor, is a response  
3 deadline set for Mr. Smokler at his earliest convenience.  
4 We can file a reply, say, three weeks later, and then two  
5 weeks after that have oral argument.

6 MR. SMOLKER: Can I say something, Your Honor?

7 THE COURT: Yes. Yes, of course, go ahead.

8 MR. SMOLKER: This proof of claim was filed on  
9 August 27th, 2001, so quite a lot of time has passed, and I  
10 don't think there's going to be any prejudice by the amount  
11 of time I'm asking; to the contrary, you'll be able to get a  
12 more complete story and hear my strong arguments.

13 THE COURT: Okay. So what's -- but I hear that,  
14 you know, you've had this pleading now, you know, for a  
15 while. So it sounds like you previously offered to file  
16 your full response by Thursday, November 5th, so are you now  
17 saying that you can't do that?

18 MR. SMOLKER: Yes, I'm saying I can't do that.  
19 And when I did offer that, I didn't realize that the date  
20 they said it was due of August 17th was actually, by my  
21 reading of the code, wrong; that it was actually supposed to  
22 be due September 14th. And it was just an overwhelming type  
23 of thing and I was just trying to offer something to have  
24 time to get traction.

25 Now in the lapse of time, I've noticed just how

1       gigantic this is and how many of what I think are  
2       misstatements there is and how much documents I have to  
3       present. And as a collateral matter, I think there is an  
4       onerous service requirement because they said I should serve  
5       15 different lawyers and 17 different law firms -- or excuse  
6       me, 17 different law firms -- 17 different lawyers and 15  
7       different law firms, and this is just the cases they've laid  
8       out between the Grace Co. and myself.

9               There's just two of us, so I would like a waiver  
10       of the requirement for me to serve all 17 people he mentions  
11       I should serve. I would mention that when they mailed their  
12       papers to me, the postage on it was \$44, and I can't imagine  
13       what -- \$44.55. I can't imagine what the Xerox cost was for  
14       755 pages. Anyway, it's an onerous service requirement to  
15       people that aren't really involved.

16              THE COURT: So if I were to help you out on the  
17       service requirement, can you move up your date by which you  
18       can file your response?

19              MR. SMOLKER: Well, I would like, as a worst case,  
20       December 16th, 2020.

21              THE COURT: Okay, so I guess I'd like to turn to  
22       W.R. Grace. So he had previously offered November 5th, but  
23       now, as you can hear, he's asking for something basically  
24       six weeks after that. I think it's highly unusual to give  
25       anyone, even a pro se debtor, so much time to respond to a



1 summary judgment motion.

2           However, I guess I'd like to ask both of you, you  
3 know, if I require the defendant to file a pleading on the  
4 earlier date of November 5th and -- I'm not saying he will,  
5 but if he were to lose on summary judgment, then there's the  
6 possibility he could raise that on appeal as an issue.

7           If you're willing to take that risk and you'd like  
8 to press for the November 5th deadline, I'd like to hear  
9 that; otherwise, you know, perhaps we should try to  
10 accommodate him since so much time has already gone by. And  
11 if he were to file something, I guess, I think he said by  
12 the 15th or 16th, you guys file something by the end of the  
13 year, we could have something in January.

14           So after hearing those choices, what's your  
15 position on that?

16           MR. HIGGINS: Your Honor, I haven't had a chance  
17 to consult with my client, who is Viktoriya Shpigelman,  
18 associate general counsel for W.R. Grace who is listening in  
19 today. But I think in view of what's been said and what's  
20 transpired that we can live with December 16th.

21           I will point out, these are three of the four  
22 remaining claims, and the fourth one is in mediation as Your  
23 Honor is aware. And once these claims are done, we can  
24 finally close this case.

25           THE COURT: Okay. Thank you for accommodating

1 that request. I think that'll make everything in the long  
2 run, you know, end more expeditiously.

3 So that means defendant, then you will be filing  
4 your summary judgment response by Wednesday, December 16th.  
5 Joan, if you'll -- well, I guess, Joan, you know what, I'll  
6 have to talk to the clerk's office in Delaware to do that.  
7 Let me just make sure I write this down so I've got all the  
8 right dates.

9 MR. HIGGINS: Your Honor, would it be help- --

10 THE COURT: Yeah, yeah.

11 MR. HIGGINS: I'm sorry to interrupt, Your Honor.  
12 Would it be helpful if Grace were to file a scheduling  
13 order; would that expedite matters? We'd be happy to do  
14 that.

15 THE COURT: Yeah, that's fine, sure. So why don't  
16 we prepare something that says that defendant should file  
17 his response no later than December 16th, and that would  
18 take -- three weeks from there would be the first Wednesday  
19 in January, which would be January 6th.

20 MR. HIGGINS: That would be doable, Your Honor.

21 THE COURT: And then we could -- okay. And then I  
22 could have the hearing -- I'm open, wide open on Thursday,  
23 January 21st, if that works for all of you guys, at 10:00.

24 MR. SMOLKER: Well, I'm --

25 MR. HIGGINS: January 21st?

1 MR. SMOLKER: I'm in California. That would be --

2 THE COURT: So just let's be clear. This is all  
3 going to be held telephonically. I mean, we're only going  
4 to be making arguments; there's no need for evidence. So  
5 it'll be a call just like this where everyone can just call  
6 in from wherever they may be inside the United States.

7 So, defendant, can you participate in a call?  
8 Perhaps we should make it at 1:00 p.m. eastern standard  
9 time, so that would be 10:00 a.m.?

10 MR. SMOLKER: That'd be perfect.

11 THE COURT: Okay. So if you guys could set the  
12 time for 1:00 p.m. eastern time on the 21st of January.  
13 We'll have the hearing that Thursday at 1:00 p.m. so that he  
14 can call in by 10:00 a.m. his time.

15 MR. SMOLKER: And do I only have to serve the two  
16 co-counsel for Grace, the Higgins firm and O'Neill firm?

17 THE COURT: Would you guys mind if he just served  
18 you in that manner? I mean, I assume that, you know, he's a  
19 pro se party and, you know, you'll actually be getting a lot  
20 of this electronically anyway. Would you mind if he just  
21 serves those two parties -- the two of you there?

22 MR. HIGGINS: Absolutely, Your Honor, that would  
23 be fine.

24 THE COURT: Okay, great.

25 MR. HIGGINS: And we'll make sure that everybody

1 else gets service.

2 THE COURT: Okay. So we'll have the hearing on  
3 January 21st at 1:00 p.m. eastern time. We'll have Grace's  
4 response filed on Wednesday, January 6th, and the opposition  
5 to summary judgment will be filed on Wednesday, December  
6 16th. Does that sound right to everybody?

7 MR. SMOLKER: Yes, and I have some more matters to  
8 bring up if I may.

9 THE COURT: Okay. Well, I mean, we're not  
10 supposed to be talking about anything else, but why don't I  
11 just at least hear what you have to say at this point.

12 MR. SMOLKER: I'd like you to calendar a separate  
13 motion for sanctions, which I intend to file, and I would  
14 like to have a filing deadline of 30 days after my filing  
15 deadline for my response to summary judgment, which would be  
16 January 15th.

17 THE COURT: Just so I understand, what is the  
18 basis of the motion for sanctions and who is it against?

19 MR. SMOLKER: It's against Grace and its attorneys  
20 for perpetuating a fraud on the Court.

21 THE COURT: Okay. What would that fraud be, just  
22 so I understand?

23 MR. SMOLKER: Misrepresenting to the Court the  
24 facts and the law on which prior orders were made and also  
25 in its current motion. They've left out critical facts that

1 you should know in order to make the right decision, and  
2 they --

3 THE COURT: Okay. May I make a suggestion?

4 MR. SMOLKER: This isn't (sound glitch) who went  
5 through the light, was it red or green. This is a straight  
6 legal thing with uncontestable facts.

7 THE COURT: Well, may I make a suggestion?

8 MR. SMOLKER: Yes.

9 THE COURT: Number one, procedurally, you cannot  
10 make an oral motion in front of me now.

11 MR. SMOLKER: I don't --

12 THE COURT: Okay. But just I want to make sure  
13 that if this is something that you'd like to pursue --

14 MR. SMOLKER: Yes.

15 THE COURT: -- then you'll need to file the motion  
16 on the docket of the main bankruptcy proceeding case. And  
17 in addition to the motion, you'll want to file several other  
18 documents: You'll want to file a proposed order, you know,  
19 granting your motion; you'll want to file a certificate of  
20 service saying who you served, like, obviously you should be  
21 serving the people that you're trying to, you know, sue  
22 here; and then finally, you need to obtain -- you need to  
23 file a notice which sets forth the objection deadline and  
24 the hearing date.

25 But before you do all that, I guess the one

1 question I have for you is, might it not make more sense for  
2 us to have our hearing on the summary judgment motion, you  
3 know, just so we can see exactly what the full extent is of  
4 their allegations and your counter-allegations and for me to  
5 kind of go through all of that; might that not be best, so I  
6 could just, you know, get a full picture of what everyone is  
7 alleging?

8 And then after that hearing, then if you're  
9 unhappy with the hearing and the order, then obviously you  
10 should file whatever you want. But you won't know exactly -  
11 - like, for instance, they're going to be filing a reply  
12 and, you know, we're going to have a whole hearing on this.  
13 It just might make more sense -- I'm just throwing out there  
14 as a possibility -- for you to file that, but file that at  
15 the conclusion of our hearing so that you can raise before  
16 me and, you know, I can kind of get an idea of what it is  
17 that you're alleging.

18 It's up to you, but that was just a suggestion.  
19 And you don't have to make a decision now, just thought I'd  
20 throw it out there for you to consider.

21 MR. SMOLKER: I have the decision. The motions  
22 for sanctions is completely independent of the opposition to  
23 summary judgment in that it's a separate issue and it goes  
24 to the honor of the court; it's a completely different  
25 thing.

1           And additionally, I want to make another separate  
2           motion for attorneys' fees for a public benefit. I think  
3           however this turns out, the order that you sign will be of  
4           great benefit to the public and the only reason it will  
5           happen is because we went through all this. So maybe --

6           THE COURT: My only point is that in order to make  
7           a full record of what you think that they may not be stating  
8           accurately, you might want to wait for them -- you know, for  
9           us to have a full hearing to see exactly what they're  
10          pressing.

11          MR. SMOLKER: Well, whether --

12          THE COURT: But it's up to you, it's your choice,  
13          and if you want to file something, you know, then you should  
14          file that. Just make sure you, you know, comply with the  
15          local rules which are on the website of the Delaware  
16          Bankruptcy Court, and whatever you file, I'll certainly take  
17          a look at. Okay?

18          MR. SMOLKER: So does that mean you don't want  
19          to set the hearing now?

20          THE COURT: Oh, well, I thought that you were just  
21          saying that -- what were you proposing? Were you proposing  
22          that you would file something after -- what were the dates  
23          that you were throwing out before?

24          MR. SMOLKER: Just to go over it briefly. I am  
25          going to file my response to the summary judgment motion on

1 or before December 16th.

2 THE COURT: Correct, correct.

3 MR. SMOLKER: I was proposing that I would file a  
4 motion for sanctions on January 15th, 2021, and I was asking  
5 for you to set a hearing date since we're now talking about  
6 hearing dates.

7 THE COURT: Okay.

8 MR. SMOLKER: And I'm also going to file another  
9 separate motion for attorneys' fees for conferring a public  
10 benefit that I would like to file 15 days after January  
11 15th.

12 THE COURT: Okay. I just wanted to point out to  
13 you that if you wanted to have them -- if you were going to  
14 file something by January 15th, right, that's when you were  
15 -- we're going to have the hearing less than a week later,  
16 which is why I was just suggesting that we try and, you  
17 know, you file it right after the hearing. That way then,  
18 you know, you'd have the benefit of knowing the full  
19 allegations that are being laid at your feet, but that's up  
20 to you.

21 MR. SMOLKER: Well, I know what they did wrong.

22 THE COURT: Okay, fine.

23 MR. SMOLKER: I already know what they did wrong,  
24 and I already know what the public benefit is going to be  
25 however you rule on this.



1 THE COURT: All right. So, Grace, would you have  
2 an objection to me giving the date -- I mean, actually, I  
3 don't really give dates for filing, so you could file --  
4 defendant, you can file your motion whenever you want. But  
5 I guess if you file your motion by the 15th, when are you  
6 proposing that Grace would be able to respond to that?

7 MR. SMOLKER: I guess they want two weeks or  
8 whatever they want.

9 THE COURT: Well, if I were Grace, sir, I'd be  
10 asking for a lot more than two weeks, right? I mean,  
11 obviously, they have more resources available to them than  
12 you. But I've just given you a total of, you know, four  
13 plus months to respond to their motion. I think that they  
14 may want longer than two weeks, but I'll let them respond to  
15 that.

16 If the defendant were to file a motion for  
17 sanctions and a variety of other issues on the 15th of  
18 January, would you gentlemen like a month or so to respond  
19 to that, or how much time?

20 MR. HIGGINS: Your Honor, Roger Higgins. Sorry,  
21 forgot to introduce myself first.

22 I think we were -- I was certainly thinking a  
23 month, we would need a month to consider whatever this  
24 motion will be.

25 THE COURT: Okay. So this is sort of an advisory

1 ruling because nothing's been filed. But defendant, if you  
2 file a motion for sanctions against Grace and its attorneys  
3 and you filed it on January 15th, which is a Friday, then  
4 that would mean that -- that would mean that Grace and its  
5 attorneys would file a response on or February 16th, 2021.

6 MR. SMOLKER: Okay.

7 THE COURT: And then usually the courtesy is that  
8 you then can file a reply within some period of time. Did  
9 you want to file a reply?

10 MR. SMOLKER: Yes.

11 THE COURT: Okay. Well, when do you want to file  
12 your reply if they respond to you by February 16th?

13 MR. SMOLKER: Three weeks later.

14 THE COURT: Okay, that would take us to the 9th of  
15 March. And then we would have a hearing if everyone's free,  
16 on -- I can't do the Tuesday and Wednesday that week, but I  
17 could have the hearing on Thursday, March 25th at 1:00 p.m.  
18 Now, this is all assuming, sir, that you file it, you know,  
19 on the date that you said you were going to file it, right?  
20 If you file it after that time, then these dates won't apply  
21 anymore.

22 MR. SMOLKER: Yes, understood.

23 THE COURT: Okay. So, Mr. Higgins, Mr. O'Neill,  
24 would you guys be able to attend a hearing -- if he filed in  
25 a motion in that course, would you be able to attend a

1 hearing on March 15th at 1:00 p.m.?

2 MR. HIGGINS: I'm sorry, you said --

3 THE COURT: March 25th, yes, March 25th. It's  
4 good that you guys are -- would you guys be around at the --

5 MR. HIGGINS: Your Honor, Roger Higgins. I think  
6 I'm certainly available. Jamie?

7 MR. O'NEILL: I'm taking a quick --

8 THE COURT: Why don't we just --

9 MR. O'NEILL: Yeah, go ahead, Your Honor.

10 THE COURT: I guess the only thing I would think  
11 is that, you know, while I'm trying to do this as a courtesy  
12 for our pro se defendant, we could always provisionally  
13 provide that the hearing is on March 25th, but since that's,  
14 you know, six months away, things make change, right, things  
15 make come up. And if we need to push that back a week or  
16 two, certainly just call my chambers and we can handle that.

17 You know, so these dates I'm throwing out are just  
18 sort of like, you know, dates so that he could put a date on  
19 his notice, you know, for purpose of hearing. And  
20 obviously, if you have any kind of conflict as we get closer  
21 to this date and you need me to move that back, just like I  
22 considered for him moving dates back, I would certainly  
23 consider moving dates back for you as well.

24 MR. O'NEILL: Thank you, Your Honor. We  
25 appreciate that.

1 MR. HIGGINS: Yeah, thank you.

2 THE COURT: Okay. So shall we give him the date  
3 provisionally of March 25th, 2021 to include in his notice  
4 if he files his motion by that January deadline I gave him?

5 MR. O'NEILL: Yes, Your Honor.

6 MR. SMOLKER: Okay. And then the last thing for  
7 my public benefit motion that I filed on January 30th, if I  
8 filed it on January 30th?

9 THE COURT: Okay. I mean, okay. So if you file  
10 it by January 30th, that's basically almost -- that's  
11 actually a Saturday.

12 MR. SMOLKER: Oh, okay, I'm sorry. I made a  
13 mistake looking at my calendar. How about January 29th?

14 THE COURT: Okay. And then should we just push  
15 all those other deadlines back by two weeks?

16 MR. SMOLKER: I don't know what you mean.

17 THE COURT: So if you were to file this third  
18 motion -- the second motion to January 29th, then they  
19 should have until, I guess, I think it would actually be  
20 March 1st or so. Well, whatever date I gave them to respond  
21 to the other one. I want to give them the full, you know,  
22 30 days to respond, so I think that that might bring us to  
23 March 1st, Monday, March 1st.

24 MR. HIGGINS: I think that's right, Your Honor.

25 THE COURT: Okay. So that means that they would

1 respond to March 1st, and then you would file your reply by  
2 March 22nd, and we would have a hearing the week of April  
3 5th, so you know, you could use the date of April 8th at  
4 1:00 p.m. You know, this is all subject to, you know,  
5 peoples' calendars possibly changing in the future a little  
6 bit and us having to, you know, move things up a little bit.  
7 But I think those are the, you know, those are the  
8 provisional dates that you could use at this time.

9 MR. SMOLKER: Thank you so much, Your Honor.

10 THE COURT: You're welcome. All right. Well, it  
11 sounds like I'll be hearing from all of you over the next  
12 few months, and if you should need anything before then, I'm  
13 always around. You can call my office at 215-408-2830, call  
14 Joan Ranieri.

15 MR. SMOLKER: What, wait (crosstalk).

16 THE COURT: It's 215-408-2830 and just leave a  
17 message because all of us are working from home, so we just  
18 check our voicemail throughout the day many times. So just  
19 leave us a message and we'll get back to you if you should  
20 leave something.

21 MR. SMOLKER: Okay.

22 THE COURT: Obviously, if you should settle this  
23 matter. I think that's highly unlikely, but I just throw  
24 that out there as a possibility.

25 MR. SMOLKER: And just to make sure there's no

1 confusion. I am only going to serve the Grace people that I  
2 asked for the award of attorneys' fees from and Grace. I'm  
3 not going to serve all 17 other people that were in this to  
4 begin with.

5 THE COURT: Well, you should certainly serve  
6 anyone that you're trying to get fees from, right?

7 MR. SMOLKER: Right. I will do that.

8 THE COURT: Okay, all right.

9 MR. SMOLKER: Okay. Thank you so much, Your  
10 Honor.

11 THE COURT: Yeah, no problem. So Mr. Higgins, Mr.  
12 O'Neill, hopefully, that's okay with you that we're limiting  
13 the service requirements. As I mentioned before, once he  
14 files something on the docket, you know, we should all get  
15 immediate notice of that in any case, so feel free to  
16 circulate that to anyone who'd you'd like.

17 MR. HIGGINS: Your Honor, that's --

18 MR. O'NEILL: That's fine.

19 MR. HIGGINS: That's fine, Your Honor.

20 THE COURT: Okay. Grace, any questions from you  
21 guys before we conclude this matter?

22 MR. HIGGINS: Not at this time, Your Honor.

23 MR. O'NEILL: I have one quick question, Your  
24 Honor. This is James O'Neill.

25 THE COURT: Yes.

1 MR. O'NEILL: I just want to -- so we talked a  
2 little bit about a scheduling order, and I don't know  
3 whether you want one for the current motion that's pending  
4 that we --

5 THE COURT: Only for this one, only for summary  
6 judgment because --

7 MR. O'NEILL: Okay. Right, just wanted to make  
8 sure --

9 THE COURT: Yeah.

10 MR. O'NEILL: -- that I was right. Okay.

11 THE COURT: Thank you so much for that  
12 clarification.

13 MR. O'NEILL: We'll track the other dates, but  
14 we'll only submit the scheduling order with respect to the  
15 pending motion.

16 THE COURT: Exactly. All right. Then if anyone  
17 needs anything else, just give my chambers a call.

18 MR. SMOLKER: I have one question since I'm  
19 unfamiliar. Does the Court make minute orders about what  
20 happens at a hearing?

21 THE COURT: Well, there are transcripts, so you  
22 can always call and get a transcript. So, Joan, would it be  
23 -- I know this is sort of weird because we're doing this for  
24 Delaware, but when we have hearing in January, Tasha would  
25 presumably be recording it.

1 CLERK: Tasha's recording it, yes.

2 THE COURT: Yeah. So you would basically, at the  
3 conclusion of the hearing, sir, you should just ask Tasha  
4 for a copy of the transcript and she'll tell you how you  
5 actually need to make that request. And depending on how  
6 soon you want the transcript, you have to pay more money if  
7 you want the transcript sooner rather than later.

8 MR. SMOLKER: Okay, thank you again.

9 THE COURT: No problem. Okay, everybody, it was  
10 nice to meet everyone on the phone and I guess I'll be  
11 hearing from you guys in the future. I'll talk to you  
12 again.

13 MR. SMOLKER: Thank you again.

14 MR. O'NEILL: Thank you so much, Your Honor.

15 MR. HIGGINS: Thank you, Your Honor.

16 THE COURT: Okay, thank you everybody. Take care.  
17 Bye-bye.

18 (Concluded at 2:27 PM)

19 \* \* \* \* \*

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing  
transcript is a true and accurate record of the proceedings.

A handwritten signature in cursive script that reads "Sonya M. Ledanski Hyde". The signature is written in dark ink and is positioned above the printed name.

Sonya Ledanski Hyde

Veritext Legal Solutions

330 Old Country Road

Suite 300

Mineola, NY 11501

Date: January 13, 2021

[&amp; - certainly]

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[know - party]

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